

STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER

James M. Thomas  
Commissioner

Lieutenant Edwin S. Henion  
Chief of Staff

FTR  
UNLESS sign in

February 8, 2011

Rep. Robert W. Megna, Co-Chairman  
Sen. Joseph J. Crisco, Co-Chairman  
Insurance and Real Estate Committee  
Legislative Office Building  
Hartford, CT 06106

**SB 28 AN ACT CONCERNING SURETY BAIL BOND AGENTS AND PROFESSIONAL BONDSMEN**

The Department of Public Safety suggests changes to draft language to improve the bill.

The Department of Public Safety supports this bill, but some drafting changes are either advisable or necessary.

In regard to Section 1(a) (3), it is recommended that the committee consider adding CGS 53a-73a Sexual Assault in the Fourth Degree as a disqualifying misdemeanor

Section 1 (9) (c) provides that "No person engaged in law enforcement or vested with police powers shall be licensed as a surety bail bond agent." Consideration should be given to expanding this language to also disqualify from such employment persons employed by the, Judicial Department, Judicial Marshall service, and the Department of Corrections. This would eliminate anyone within the judicial process from arrest through court appearances and incarceration from operating a bail business for profit. If this change is made, it should also be made in section 16 of the proposed bill in regard to professional bail bondsmen.

In section 8, acceptable forms of collateral are set forth as follows: " (3) Acceptable forms of collateral security or other indemnity include, but are not limited to, cash or its equivalent, a promissory note, an indemnity agreement, a real property mortgage in the name of the insurer or any Uniform Commercial Code filing;" It is recommended that this section be revised by either removing the term "promissory note" or by further defining it to make it clear that only a promissory note owed to the person providing the collateral and subsequently assigned to the bail bondsman may be deemed collateral. A literal reading of the existing language of this proposed bill would suggest that the person needing the bond could provide a promissory note as collateral. In that case, it would not meet the definition of collateral, as it would not be an asset securing the promise, but instead just another promise to pay.

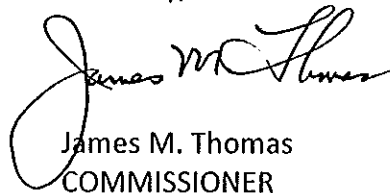
In regard to section 17, the existing language of the statute requires each professional bondsman to "forthwith inform" the Commissioner of Public Safety, in writing, of any material change in such professional bondsman's assets or liabilities affecting such bondsman's responsibility as a bondsman. This proposed bill would change this requirement to give the professional bondsman 30 days to inform the commissioner. This change is not in the best interest of public safety as it would allow a bondsman without financial responsibility to continue to do business for a month. It is respectfully requested that the existing statutory language remain in place.

Section 18 of the bill should be revised to change the language from 'residence addresses' to 'business addresses' Not all professional bondsmen work from their home. This proposed bill requires surety bondsmen to list business addresses. The requirement should be uniform in regard to business address and telephone of record.

In regard to Section 19, it should be noted that the existing language of this statute provides that any person violating any provision of the amended acts shall be fined not more than one thousand dollars or imprisoned not more than two years or both and be subject to forfeiture of license. This exposure to felony conviction would, if this bill becomes law, be triggered by any violation of the new language contained in section 21.

The proposed bill has identical prohibitions contained in sections 11 (for surety bail bondsmen) and section 21 (for professional bondsmen). Passage of the bill as drafted would result in vastly different consequences for the same conduct depending on the identity of the bondsmen. Identical bad conduct would result in felony offenses for professional bondsman, while surety bondsmen would merely face suspension. The language of section 19 should also be added to the statutory changes for surety bail bondsmen. It would violate equal protection of the laws and be very poor public policy to have identical conduct result in a mere license suspension for surety bail bondsmen, while professional bondsmen face exposure to felony arrest and conviction.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Thomas". The signature is fluid and cursive, with the first name "James" being the most prominent part of the script.

James M. Thomas  
COMMISSIONER